



2793402 09/13/2000 09:21A JA Suki Tsukamoto  
1 of 13 R 70.00 D 0.00 Weld County CO

402

# ***THE SHORES***

## **Outline Development Plan**

**Firestone, Colorado**

April 2, 1998



2793402 09/13/2000 09:21A JA Suki Tsukamoto  
2 of 13 R 70.00 D 0.00 Weld County CO

**Outline Development Plan  
THE SHORES  
Town of Firestone  
County of Weld  
State of Colorado**

**Owner**

BLC Development, LLC  
PO Box 72  
Lucern, CO 80646  
Contact: Gary Booth, 970-353-7055

**Applicant/Developer**

Orr/Hall LLC  
826 9th Street  
Greeley, CO 80631  
Contact for development: Ed Orr, 970-351-8777  
Contact for mining: Jeff Gregg, 970-352-6057

**Planning Consultant**

Associated Land Consultants, Inc.  
4141 Arapahoe Avenue, Suite 101  
Boulder, CO 80303  
Contact: Dennis Drumm, 303-444-1578

**Mining Special Review Use Consultant**

Rocky Mountain Consultants, Inc.  
825 Delaware Avenue, Suite 500  
Longmont, CO 80501  
Contact: Barbara Brunk, 303-772-5282

**Surveyor**

Ayres Associates  
3665 JFK Parkway  
Fort Collins, CO 80525  
Contact: Brian Nelson, 970-223-5556

**Legal Description**

Please see the Legal Description, attached as Exhibit "A"

**Property Ownership Information**

Please see the Title Commitment, submitted under separate cover. (Note: The George Hall Family Trust has assigned its contractual interest in the property to the Orr/Hall LLC. Also, the property owner has executed a power of attorney appointing Ed Orr as its attorney-in-fact relative to this application.)

### Project Concept

The Shores Planned Unit Development is intended to maximize resource management by providing for the mining of extensive gravel reserves situated in the north portion of the property, and then to reclaim the property as a water feature based, mixed use residential and commercial development. The ODP provides for a wide range of housing densities to accommodate many life styles including apartment, town home, patio home and small, medium and large lot single family detached homes.

The north portion of the property features two lakes, the west lake for general water activities and the east lake for competition water skiing. The lakes, to be reclaimed as the property is mined, will create an exceptional amenity and recreational facility. Also, the lakes will accommodate the flood plain which extends from the southwest corner of the property northeasterly through the property. A central focus will be achieved through a community center, to be located at the point where the two lakes are connected by a narrow channel. It is intended that greenbelts will be established as individual final development plans are approved to provide pedestrian and bicycle access to the community center and to other public or private open space to be developed along the lake.

This ODP anticipates that public access to, and use of, the lakes will occur; however the details of such a program shall be established by the applicant and Town. It is believed the development's Home Owners Association will adopt and enforce lake access and usage regulations for its home owner members to ensure the lakes are used in a safe, prudent manner compatible with the residential uses adjacent to the lakes. Similarly, such regulations may need to be adopted and enforced by the Town regarding public usage.

The portion of the project south of WCR 24 will not be mined; however, its open space orientation is toward the Firestone Trail, a major element in the region's greenbelt and trail system. The Town is in the process of preparing the Firestone Trail Master Plan and the applicant agrees to cooperate with the Town in implementing the Trail Plan by dedicating land for development of the trail as requested by the Town. Access to this facility will be provided as individual phases of the projects are planned and subdivided.

The development's location along WCR 24 and at the southwest corner of the intersection of WCR 24 and WCR 13 (the fire station site is not included in the project) provides the potential for both commercial development and/or higher density residential uses. It is the intent of this ODP that to the extent market conditions reasonably permit at the time of FDP and subdivision of their respective areas, ODP Plan Parcels A, B, C, D, G, H and I, which are located along the north side of WCR 24, be developed for commercial uses permitted outright or by special review in the Town's Employment Center, Regional Commercial and/or Neighborhood Commercial zoning districts. If market conditions do not reasonably permit development of a specific parcel for commercial uses at the time planning and platting of such parcel is processed, the parcel shall be developed in accordance with the provisions of the ODP Plan for said parcel, subject to the approval of the Town that such development is compatible with previous approvals.



The cattle feedlot now operating north of WCR 24 will continue to operate until the property on which it is situated is ready for development. At that time the feedlot will be closed and reclaimed for residential and commercial development.

### **Regional Impacts**

Since The Shores is in substantial conformance with the Firestone Comprehensive Plan, it is assumed its impact on both the community and region have been previously identified, analyzed and determined to be acceptable. To assist the Town in confirming this assumption, supplemental information will be submitted as required by the Town. The proposal is also in substantial conformance with the Weld County MUD Plan as well. The only apparent conflict is that the area planned for large lot single family development west of the lake on the ODP is shown as "employment center" on the MUD. It's believed this conflict is minor and that mining and reclamation of the mined area is far more conducive to upper end residential development than for employment oriented commercial development. The preference for residential use of the property is also driven by the fact that the area immediately west of The Shores, adjacent to the I-25 Del Camino interchange, is zoned for regional oriented commercial uses.

### **Environmental Information**

The lakes will be created from mining of the extensive aggregate sources on the property. A special review use application is being processed concurrently with the annexation petition and ODP application to provide for mining, and that application addresses environmental concerns and measures to be taken to ensure potential environmental impacts are within limits established by the Town and State.

### **Utilities**

Water: Town of Firestone  
Sewer: St. Vrain Sanitation District  
Electric: United Power  
Gas: K-N Energy

The Developer will work with the Town to assure the availability of adequate potable water facilities and that development at The Shores abides by the Town's water conservation policies and requirements.

Financing of the infrastructure improvements required by this project will be the responsibility of the Developer; however, Developer will be permitted to recover the cost of any oversized improvements and improvements designed to benefit adjacent developments.

### **Service Requirements**

Police Protection: Town of Firestone  
Fire Protection: Mountain View Fire Protection District  
Ambulance Service: Tri-Area Ambulance Service  
Street Maintenance: Town of Firestone  
Trash Service: Private haulers  
Schools: St. Vrain School District



Note: Student generation factors indicate The Shores could add as many as 1,000 students to the area at full development; however, because of the ODP's emphasis on attached single family and multi-family housing, this number may be much higher than appropriate. It is anticipated that the Town will coordinate with the school district to accurately project the need for schools in the area and to identify potential school sites as appropriate.

### Circulation System

Access to the residential portions of the PUD will be from internal collector streets intersecting with WCR 24; and WCR 13. Secondary access to the north portion area will be from WCR 9.75. Access to the commercial centers will be from the arterial streets and internal collector streets. Pedestrian and bicycle access will be provided in greenbelts and as otherwise approved by the Town in FDPs.

### Existing Land Use

Existing use of the property is for agriculture and a feedlot. The existing uses will continue after annexation with agricultural use to decrease as the property is mined and developed. The feedlot operation will cease prior to development of the land on which it's located.

### Proposed Land Use

Proposed land use, residential density and number of dwelling units are summarized as follows:

LAND USE	ACRES	DENSITY	DUs
Residential			
A	75	3.0	225
B	240	5.0	1200
C	10	12.0	120
Neighborhood Commercial	25		
Mixed Use Residential and/or Employment Center*	90	12.0	1080
Open Space			
Land (excludes neighborhood open space provided at FDP)	30		
Water surface	115		
Public Use (schools, etc.)	TBD		
Major Streets	50		
TOTAL	635		2625

\* Residential unit projections assume parcels A, B, C, D, G, H and I develop for residential uses only. The actual number of units will undoubtedly be less than projected due to the use of some portion of the land for commercial development.



### Residential Land Use

To facilitate the mixed residential use, the zoning designation requested is Residential Planned Unit Development. Uses to be permitted in the residential planned unit development include all uses permitted in all Firestone residential zoning districts including single-family attached and detached dwelling units, multi-family units, apartment units as well as all customary accessory uses, including boat docks and boat storage. Covenants will be established to regulate many aspects of the project, with emphasis on boat related uses.

### Mixed Use, Residential/Commercial

It is the intent of this ODP that to the extent market conditions reasonably permit at the time of FDP and subdivision of their respective areas, ODP Plan Parcels A, B, C, D, G, H and I, which are located along the north side of WCR 24, shall be developed for commercial uses permitted outright or by special review in the Town's Employment Center, Regional Commercial and/or Neighborhood Commercial zoning districts. Further, it is the intent of this ODP that if the parcels adjacent to the north parcel designated "Neighborhood Commercial" develop for commercial uses rather than residential uses, the Neighborhood Commercial parcel could, with the approval of the Town, be incorporated into the overall commercial plans and uses permitted on the surrounding parcels. If market conditions don't support commercial development at the time of FDPO, those parcels may be developed for residential uses. Only uses permitted in Firstone's Neighborhood Commercial zoning district shall be permitted in the parcel designated Neighborhood Commercial at the southwest corner of WCR 24 and 13 unless the parcel is rezoned.

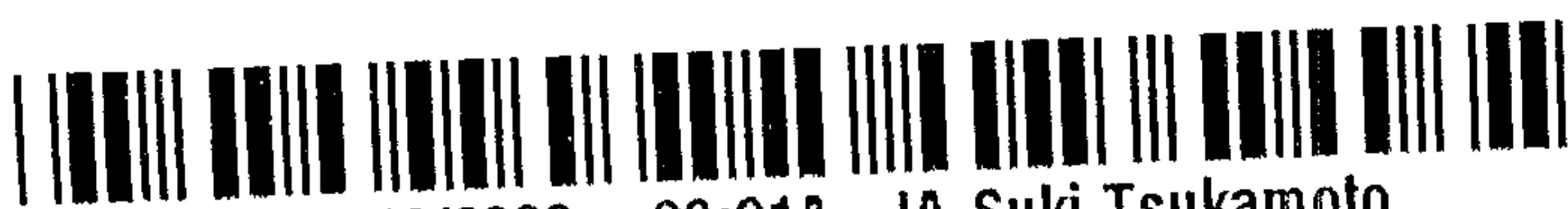
Uses permitted in the Neighborhood District include: retail commercial, retail sales and service, retail showroom, convention centers, retail lodging, stadiums, wholesale commercial, food sales, personal service, office-showroom, warehouse-showroom, sports centers, recreation facilities, transportation stations, repair and service, hospitals, kennels (totally enclosed), gas stations, car washes, establishments serving liquor and indoor entertainment (including movies and theaters). Also, office uses are permitted including professional, administrative, research, development and testing, medical office and clinic, executive office, laboratories, colleges, training and instructional and financial institutions.

### Other Land Uses

The Firestone Development Regulations identify the following uses which are permitted within all land use categories: Child care facilities and private schools, all farming and ranching uses in the AG-A land use category except as specifically prohibited; religious churches, synagogue and temples; public lands, buildings and streets, including: fire stations, police stations, government and special district offices and utilities, and public or private utility facilities, including power generation.

### Accessory Uses, Residential

Accessory uses permitted in the residential portions of the PUD include: accessory buildings with single family homes (not to be used for residential occupancy except by domestic employees employed on the premises); mini-structures in the rear yard of single family homes; show or model homes, private stables and barns subject to Town regulation;



home occupations; temporary construction and sales offices; group homes for the developmentally disabled and aged; any use that is clearly incidental to a principal permitted use so long as the residential density requirement is not exceeded; greenhouses of less than 10% of the principal building; and security guard residences.

#### Accessory Uses, Commercial

Accessory uses permitted in the commercial portions of the PUD include: temporary construction and sales offices; security guard residences; private use heliports; and any use that is clearly incidental to a principal permitted use.

#### Land Uses Subject to Special Conditions

The following uses are permitted subject to special conditions: borrow pit; oil and gas production; reservoirs; and mining.

#### Mining Special Review Use

As previously noted, application for approval of mining as a special review use is being made concurrent with the this ODP application. The reader is referred to that application for specific information regarding mining.

#### Continuation of Agricultural Uses

Since development of most of the property will be delayed until substantial mining is completed, it is important that current agricultural uses be permitted to continue. The applicant and Town have agreed to permit continuation of such uses in accordance with the project's annexation agreement.

#### Public Land Use

This ODP recognizes that the Town may require dedication of certain lands for public use as provided in the Town's Subdivision Regulations. The ODP Plan designates some park and open space areas which the Town may accept, and it is envisioned that additional open space, particularly in the form of greenbelts will be proposed for public use as the project progresses through FDP and subdivision. Of particular concern is the provision of land for schools in a timely fashion; however, the precise location of desired school sites on this property, has not been determined at the time of this ODP. The applicant wishes to cooperate with both the Town and the School District in the provision of school sites when necessary, and has agreed to meet with the School District when appropriate and to dedicate land for school sites to the Town in accordance with the project's annexation agreement.

The applicant also wishes to cooperate with the Town regarding the establishment of trail trail-side parks, access points and other related facilities per the Firestone Trail Master Plan.

#### Oil and Gas Sites

Following approval of this OPD, the applicant intends to meet with the companies with oil and gas interests in the project to determine their needs and to negotiate how those needs can be accommodated in the manner most compatible with the residential, commercial and open space uses shown on the OPD Plan.



### Building Height

Maximum building height shall be 38 feet and as otherwise provided in the Firestone Development Standards. Buildings, mining and agricultural equipment may exceed this height if specifically permitted by the Town.

### Development Schedule

Ultimate development of the site must await substantial completion of mining since the focus of the ODP is on the lakes which will be created by reclaiming mined portions of the property. Also, it is anticipated that residential sales will not occur until mining activity and equipment are sufficiently removed from development sites so as not to impact the homes. Thus, residential development will be mostly dependent on the rate of mining. In turn, the commercial development will be largely dependent on the rate of residential development of this project as well as other residential projects in the area, since the commercial uses will be oriented primarily toward the needs of north Firestone residents.

As stated in the mining special use permit application, it is estimated that mining of the property could continue for as long as 25 to 30 years. Of course, that is a conservative estimate and the time frame could be substantially shorter. Since significant residential development will not occur until the large westerly lake is mined and reclaimed, it is projected that major development will not occur for ten years. Initial development phases which don't directly relate to the lakes may occur earlier. Earlier development could also occur if mining and lake reclamation can be phased in a practical manner.

### Private Maintenance and Enforcement

In addition to the Town zoning, building and other codes, the planned unit development shall be controlled by detailed provisions of the final development plans to be approved by the Town as well as a home owners association bylaws and covenants to be established prior to FDP approval. The association will govern architectural control, common areas and similar matters. All streets will be dedicated to the Town and maintained as public streets.

Approved by the Planning Commission of the Town of Firestone, Colorado, this  
4<sup>th</sup> day of March, 1998.

[Signature]  
Chairman  
Cheri L. Andersen  
Secretary

Approved by the Town Board of Trustees of the Town of Firestone, Colorado, this  
16<sup>th</sup> day of March, 1998.

[Signature]  
Mayor  
Cheri L. Andersen  
ATTEST: Town Clerk





## EXHIBIT A-LEGAL DESCRIPTION

A parcel of land situate in the Northwest quarter and the Southwest quarter of Section 7, Township 2 North, Range 67 West, of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows: Considering the South line of the Southwest quarter of Section 1, Township 2 North, Range 68 West, of the 6th P.M., as bearing North  $89^{\circ}47'54''$  West and with all bearings contained herein relative thereto: Commencing at the West quarter corner of said Section 7, said point being the TRUE POINT OF BEGINNING of this description; thence along the West line of the Northwest quarter of said Section 7, North  $00^{\circ}24'59''$  East 2675.27 feet to a point 30.00 feet South of the Northwest corner of said Section 7; thence South  $88^{\circ}30'45''$  East 30.00 feet to the East right-of-way of Weld County Road (WCR) 13; thence South  $00^{\circ}24'59''$  West 794.71 feet; thence North  $89^{\circ}36'56''$  East (previously described as North  $89^{\circ}27'37''$  East) 184.99 feet; thence South  $83^{\circ}21'35''$  East 103.00 feet; thence South  $63^{\circ}35'35''$  East 162.00 feet; thence South  $80^{\circ}58'35''$  East 130.00 feet; thence North  $29^{\circ}05'25''$  East 84.00 feet; thence North  $42^{\circ}23'25''$  East 293.00 feet; thence North  $61^{\circ}48'25''$  East 53.00 feet; thence North  $87^{\circ}03'25''$  East 316.00 feet; thence South  $66^{\circ}42'35''$  East 176.00 feet; thence South  $77^{\circ}12'35''$  East 110.00 feet; thence South  $89^{\circ}44'50''$  East 313.78 feet to a point on the West most line of land described in Book 1596 at Page 830 recorded in the Records Office of said County; thence along said West most line the following (3) courses and distances; (1) South  $30^{\circ}21'19''$  West 793.13 feet; (2) South  $88^{\circ}56'13''$  East 28.56 feet (previously described as 28.67 feet); (3) South  $30^{\circ}20'19''$  West 1550.44 feet (previously described as South  $30^{\circ}21'19''$  West 1550.24 feet) to a point on the South line of said Northwest quarter of Section 7; thence along said South line, North  $89^{\circ}01'58''$  West 602.51 feet to said East right-of-way; thence along said East right-of-way, South  $00^{\circ}24'20''$  West; 1548.98 feet; thence North  $88^{\circ}50'57''$  West 30.00 feet to the West line of said Section 7; thence along the West line of said Section 7, North  $00^{\circ}24'20''$  East 1548.98 feet to the point of beginning and containing 55.912 acres more or less gross. TOGETHER with a parcel of land situate in the East half of Section 12, Township 2 North, Range 68 West, of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows: Considering the South line of the Southwest quarter of Section 1, Township 2 North, Range 68 West, of the 6th P.M., as bearing North  $89^{\circ}47'54''$  West and with all bearings contained herein relative thereto: Commencing at the Northeast corner of said Section 12; thence along the East line of the Northeast quarter of said Section 12; South  $00^{\circ}24'59''$  West 30.00 feet to a point, said point being the TRUE POINT OF BEGINNING of this description; thence continuing South  $00^{\circ}24'59''$  West 2675.26 feet to the East quarter corner of said Section 12; thence along the East line the Southeast quarter of said Section 12; South  $00^{\circ}24'20''$  West 1548.89 feet to a point that is North  $00^{\circ}24'20''$  West 1154.10 feet from the Southeast corner of said Section 12; thence North  $88^{\circ}50'57''$  West 1328.63 feet to a point on the West line of



the East half of the Southeast quarter of said Section 12, said point being North 00°32'56" East 1154.06 feet from the Southwest corner to the Southeast quarter of the Southeast quarter of said Section 12; thence along the West line of East half of the Southeast quarter of said Section 12, North 00°32'56" East 92.29 feet; thence North 89°04'07" West 400.00 feet; thence North 00°32'56" East 100.00 feet to a point on the South line of the North half of the Southeast quarter of said Section 12; thence along said South line, South 89°04'07" East 400.00 feet to the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 12; thence along the West line of the East half of the Southeast quarter of said Section 12, North 00°32'56" East 1346.29 feet to the C-E sixteenth corner; thence along the West line of the East half of the Northeast quarter of said Section 12; North 00°33'04" East 2663.54 feet to the South right-of-way of Weld County Road (WCR) 24; thence along the South right-of-way, South 89°48'05" East 640.41 feet to the West line of Lot A of the Recorded Exemption 1313-12-1-RE1340 records of said County; thence along the West line of said Lot A, South 00°24'59" West 270.00 feet to the South line of said Lot A; thence along the South line of said Lot A, South 89°48'05" East 648.00 feet to the West right-of-way of said WCR 13, thence along the said West right-of-way, North 00°24'59" East 270.00 feet to the South right-of-way of said WCR 24; thence South 89°48'05" East 30.00 feet to the point of beginning and containing 124.901 acres more or less gross. TOGETHER with a parcel of land situate in Section 1, Township 2 North, Range 68 West, of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows: Considering the South line of the Southwest quarter of Section 1, Township 2 North, Range 68 West, of the 6th P.M., as bearing North 89°47'54" West and with all bearings contained herein relative thereto: Commencing at the South quarter corner of said Section 1; thence North along the East line of the Southeast quarter of the Southwest quarter of said Section 1, North 00°31'07" East 30.00 feet to the North right-of-way of said WCR 24, said point being the TRUE POINT OF BEGINNING of this description; thence along said North right-of-way, North 89°47'54" West 2741.95 feet to the West line of the Southwest quarter said Section 1; thence along said West line, North 01°31'48" East 2626.35 feet; thence along the West line of the Northwest quarter of said Section 1, North 01°34'53" East 1319.17 to the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 1; thence continuing North 01°34'53" East 20.60 feet to the North right-of-way of Weld County Road (WCR) 24 3/4; thence South 89°31'06" East 1334.49 feet to a point on the West line of Lot A of the Recorded Exemption 1313-1-2-RE2024, records of said County; thence along the West line of said Lot A and the East line of the West half of the Northwest quarter of said Section 1, South 01°01'29" West 600.71 feet; thence along the South line of said Recorded Exemption 1313-1-2-RE2024 the following eleven (11) courses and distances; (1) North 57°27'44" East 528.67 feet; (2) North 61°56'41" East 259.69 feet; (3) South 01°17'30" East 65.63 feet; (4) North 74°46'22" East 225.12 feet; (5) North 72°55'39" East 116.39 feet; (6) North 85°14'02" East 132.54 feet; (7) South



89°34'18" East 55.00 feet; (8) South 53°49'04" East 30.81 feet; (9) South 82°26'48" East 48.37 feet; (10) South 83°13'53" East 27.17 feet; (11) South 70°51'49" East 56.62 feet to a point on the West line of the Northeast quarter of said Section 1; thence along said West line North 00°31'08" East 243.84 feet; thence North 88°51'38" East 1968.70 feet to a point that is South 88°51'38" West 660.00 feet from the East line of the Northeast quarter of said Section 1; thence South 00°24'41" West, parallel to the East line of the Northeast quarter of said Section 1, 1338.49 feet to a point to the South line of the Northeast quarter of said Section 1; thence along said South line, South 89°06'24" West 1970.98 feet to the Center quarter corner; thence along the West line of the Southeast quarter of said Section 1, South 00°31'41" West 1352.35 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of said Section 1; thence along the North line of the Southwest quarter of the Southeast quarter of said Section 1, North 89°40'24" East 1317.24 feet (previously recorded as 1316.96 feet) to the Northeast corner of the Southwest quarter of the Southeast quarter of said Section 1; thence along the East line of the Southwest quarter of the Southeast quarter of said Section 1, South 00°27'27" West 1334.26 feet to the said North right-of-way of WCR 24; thence along said North right-of-way, North 89°48'53" West 1318.32 feet to the point of beginning and containing 337.735 acres more or less gross. TOGETHER with a parcel of land situate in the East half of Section 2, Township 2 North, Range 68 West, of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows: Considering the South line of the Southwest quarter of Section 1, Township 2 North, Range 68 West, of the 6th P.M., as bearing North 89°47'54" West and with all bearings contained herein relative thereto: Commencing at the Southeast corner of said Section 2, thence along the East line of the Southeast quarter of Section 2, North 01°31'48" East 30.00 feet to the North right-of-way of WCR 24, said point being the TRUE POINT OF BEGINNING of this description; thence continuing along said East, North 01°31'48" East 2626.35 feet to the East quarter corner of said Section 2; thence along the East line of the Northeast quarter of said Section 2, North 01°34'53" East 1319.17 to the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 2; thence continuing North 01°34'53" East 20.60 feet to the North right-of-way of Weld County Road (WCR) 24 3/4; thence along said North right-of-way, North 89°31'06" West 1334.26 feet to a point 30.00 feet west of the Northwest corner of the Southeast quarter of the Northeast quarter of Section 2; thence along a line parallel with and 30.00 feet West of and 20.82 feet North of the West line of the Southeast quarter of the Northeast quarter, also being the West right-of-way of Weld County Road (WCR) 9 3/4, South 01°24'54" West 1335.73 feet; thence along a line parallel with and 30.00 feet West of the West line of the East half of the Southeast quarter of said Section 2, also being the West line of said right-of-way, South 01°23'42" West 2627.90 feet to the North right-of-way of said WCR 24; thence along said North right-of-way, South 89°25'07" East 907.02 feet to Westerly line of Lot A, of the Recorded Exemption 1313-2-4-RE405, records of said County; thence along said Lot A the



following four (4) courses and distances; (1) North  $17^{\circ}05'42''$  East 200.12 feet; (2) North  $30^{\circ}27'35''$  East 207.93 feet; (3) North  $62^{\circ}58'03''$  East 295.78 feet; (4) South  $01^{\circ}31'48''$  West 509.33 feet to said North right-of-way of WCR 24; thence along said North right-of-way, South  $89^{\circ}25'07''$  East 3.00 feet to the point of beginning, containing 117.548 acres more or less gross.

Total area for all parcels are 636.095 acres more or less gross.



2793402 09/13/2000 09:21A JA Suki Tsukamoto  
13 of 13 R 70.00 D 0.00 Weld County CO